

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Randy Chu

## DEFENDANTS

Trump Entertainment Resorts, Inc., et al.

(b) County of Residence of First Listed Plaintiff Harris

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Atlantic

(IN U.S. PLAINTIFF CASES ONLY)

NOTE:

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Edward S. Goldis, Feldman Shepherd Wohlgelemer Tanner Weinstock & Dodig, LLP, 1845 Walnut St., 21<sup>st</sup> Fl., Phila., PA 19103  
215-567-8300

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☐ 3 Federal Question  
(U.S. Government Not a Party)☐ 2 U.S. Government Defendant☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Section 1332

Brief description of cause:

Personal injury caused by condition of defendants' property

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY - CAMDEN**

RANDY CHU

Plaintiff

vs.

TRUMP ENTERTAINMENT RESORTS, INC.

and

TRUMP ENTERTAINMENT RESORTS HOLDINGS, L.P.

and

TRUMP TAJ MAHAL ASSOCIATES, LLC

d/b/a TRUMP TAJ MAHAL CASINO RESORT

and

TRUMP ENTERTAINMENT RESORTS  
DEVELOPMENT COMPANY, LLC

and

THCR MANAGEMENT SERVICES, LLC

and

JOHN DOES NOS. 1 - 10

Defendants

CIVIL ACTION

No.

**JURY TRIAL DEMANDED**

**COMPLAINT - CIVIL ACTION**

**I. PARTIES**

1. Plaintiff Randy Chu is a citizen and resident of the State of Texas, residing therein at 9206 Reagan Meadows Court, Houston, Texas 77060.

2. Defendant Trump Entertainment Resorts, Inc. is a Delaware Corporation with a registered agent for service and process c/o Robert M. Pickus, 15 South Pennsylvania Avenue, Atlantic City, New Jersey, 08401.

3. Defendant Trump Entertainment Resorts Holdings, L.P. is a Delaware Limited Partnership with a registered agent for service and process c/o Robert M. Pickus, 1000 Boardwalk, Atlantic City, New Jersey, 08401.

4. Defendant Trump Taj Mahal Associates, LLC, d/b/a Trump Taj Mahal Casino Resort is a Domestic Limited Liability Company with a registered agent for service of process c/o Robert M. Pickus, 1000 Boardwalk, Atlantic City, New Jersey, 08401.

5. Defendant Trump Entertainment Resorts Development Company, LLC is a business

entity with an address for service of process at 1000 Boardwalk, Atlantic City, New Jersey, 08401.

6. Defendant THCR Management Services, LLC is a Delaware Limited Liability Company with a registered agent for service of process c/o Robert M. Pickus, 1000 Boardwalk, Atlantic City, New Jersey, 08401.

7. Defendants Trump Entertainment Resorts, Inc., Trump Entertainment Resorts Holdings, L.P., Trump Taj Mahal Associates, LLC, d/b/a Trump Taj Mahal Casino Resort, Trump Entertainment Resorts Development Company, LLC, and THCR Management Services, LLC are hereinafter collectively referred to as the “Trump defendants.”

8. At all times relevant hereto, the Trump defendants owned, operated, maintained and controlled a hotel and casino in Atlantic City, New Jersey, which was open to the public.

9. Defendants John Does Nos. 1 through 10 inclusive are fictitious names for individuals or entities including, but not limited to corporations, partnerships, joint ventures, associations or other forms of public or private entities, including business entities, whose identities are presently unknown, but who at all times relevant hereto participated in the acts, omissions and/or breaches of duty described herein, including the management, inspection, maintenance and/or cleaning of the premises that are the subject of this action, as well as in creating, maintaining and/or failing to warn of the dangerous condition of the premises.

10. The Trump defendants and John Doe Nos. 1-10 are hereinafter collectively referred to as “the defendants.”

## **II. JURISDICTION**

11. Jurisdiction is founded upon diversity of citizenship. Plaintiff is a citizen of the State of Texas and the defendants are citizens of the State of New Jersey and/or Delaware. The matter in controversy, exclusive of interests and costs, exceeds the sum specified in 28 U.S.C. § 1332.

### **III. FACTS**

12. On October 12, 2012, plaintiff Randy Chu was a business invitee and paying guest of the Trump defendants.

13. On the aforesaid date at approximately 6:30 p.m., plaintiff was using a handicapped ramp inside the casino when he tripped and began to fall.

14. As plaintiff was falling, he reached for the adjacent railing, which broke and fell apart, causing plaintiff's arm to be severely lacerated by an exposed sharp edge of the broken railing.

### **IV. CAUSES OF ACTION**

#### **COUNT ONE - NEGLIGENCE**

##### **Plaintiff Randy Chu v. All Defendants**

15. The preceding paragraphs are incorporated by reference as if the same were fully set forth at length herein.

16. At all times relevant hereto, the defendants had a non-delegable duty to provide safe and secure facilities for plaintiff and other patrons of the Trump defendants.

17. The defendants knew or by using reasonable care should have discovered the condition which caused plaintiff's injuries, and should have realized that the condition involved an unreasonable risk of harm to invitees in general, and plaintiff in particular.

18. Plaintiff did not know or have reason to know of the condition or the risk of the condition.

19. The defendants knew or should have expected that invitees, licensees and plaintiff, in particular, would not discover or realize the danger or would fail to protect themselves from the danger.

20. The defendants, individually and through their actual and/or ostensible agents, servants, and/or employees, were negligent, careless and breached their duty of care generally and

in the following particular respects:

- a. creating a dangerous condition of the premises;
- b. maintaining a dangerous condition of the premises;
- c. failing to warn the plaintiff of a dangerous condition of the premises;
- d. failing to use reasonable care in the maintenance and use of the premises;
- e. failing to use reasonable care to protect plaintiff from foreseeable harm;
- f. failing to inspect the premises and discover the dangerous condition;
- g. failing to realize the dangerous condition involved an unreasonable risk of harm to plaintiff;
- h. failing to properly install the railings in the casino;
- i. failing to properly inspect the railings in the casino;
- j. failing to properly maintain and/or repair the railings in the casino;
- k. failing to properly supervise the installation, inspection, maintenance, and repair of the railings in the casino;
- l. failing to detect and identify the broken railing;
- m. failing to inspect and repair the railing in a timely manner;
- n. failing to create, implement and enforce proper policies and procedures for the inspection, maintenance and repair of the railing;
- o. failing to comply with policies and procedures for the inspection, maintenance and repair of the railing;
- p. failing to comply with industry standards and practices for the inspection, maintenance and repair of the railing;
- q. failing to contact the maintenance department to notify it of the broken railing;
- r. failing to close the area around the railing until it was repaired; and
- s. failing to use "hazard" cones and/or other devices to warn of the dangerous condition.

21. As a direct result of the negligence, carelessness and other liability producing conduct of the defendants, plaintiff Randy Chu was caused to sustain serious and permanent personal injuries including, but not limited to, a left forearm dorsal laceration requiring approximately 20 stitches and laceration of extensor muscles and tendons, all of which required medical care and intensive physical therapy and treatment and which will require ongoing medical care and treatment, including future surgical intervention.

22. As a direct result of the negligence, carelessness and other liability producing conduct of the defendants, plaintiff has incurred substantial expenses for medical care and treatment, and he will continue to incur such expenses for the rest of his life.

23. As a direct result of the negligence, carelessness and other liability producing conduct of the defendants, plaintiff has suffered a loss of his earnings and earning capacity, and he will continue to suffer such loss for the rest of his life.

24. As a direct result of the negligence, carelessness and other liability producing conduct of the defendants, plaintiff has suffered a diminution in his ability to enjoy the ordinary pleasures of life, and he will continue to suffer such loss for the rest of his life.

25. As a direct result of the negligence, carelessness and other liability producing conduct of the defendants, plaintiff has experienced severe physical and emotional pain and suffering, and he will continue to suffer the same for the rest of his life.

WHEREFORE, plaintiff Randy Chu demands judgment in his favor and against all defendants for an amount in excess of the jurisdictional limit for arbitration together with interest and costs.

**JURY DEMAND**

Trial by jury is demanded as to all issues set forth herein.

FELDMAN SHEPHERD WOHLGELERNTER  
TANNER WEINSTOCK & DODIG, LLP

A handwritten signature in black ink, appearing to read "Daniel J. Mann", written over a horizontal line.

Daniel J. Mann  
Edward S. Goldis  
1845 Walnut Street, 21<sup>st</sup> Floor  
Philadelphia, PA 19103  
215-567-8300  
Attorneys for Plaintiff

Date: 9/9/13